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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,860	07/03/2003	Frank Jentsch	07781.0090-00000	3838

22852 7590 10/18/2006

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER  
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901 NEW YORK AVENUE, NW  
WASHINGTON, DC 20001-4413

EXAMINER
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NGUYEN BA, HOANG VU A

ART UNIT	PAPER NUMBER
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2192

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/611,860

Applicant(s)

JENTSCH ET AL.

Examiner

Hoang-Vu A. Nguyen-Ba

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 July 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is responsive to the amendment filed July 25, 2006.
2. Claims 1-27 are pending.

#### ***Response to Amendments***

3. Per Applicants' request, claims 1, 3, 5-7, 12, 14, 16-19, 23-24 have been amended and new claims 25-27 have been added.
4. The objection to the Specification and the Abstract is withdrawn in view of Applicants' amendments.
5. The objection to claims 6 and 17 is withdrawn in view of Applicants' amendments to these claims.
6. The provisional obviousness-type double patenting rejection of claims 1-24 is withdrawn in view of Applicants' amendments to these claims to recite distinct subject matters.
7. The rejection of claims 23-24 under 35 U.S.C. § 101 as being directed to non-statutory subject matter is withdrawn in view of applicants' amendments to these claims.

#### ***Response to Arguments***

8. Applicants' arguments in the Remarks, pp. 11-13, filed July 25, 2006 have been fully considered but they are not persuasive. Following is an examiner's response to Applicants' arguments.

Applicants essentially submitted that Rosenberg teaches away from the claimed invention because Rosenberg only teaches activating or deactivating breakpoints individually (e.g., manually fro each breakpoint, by specifying a

source line in the editor). See Rosenberg, p. 110, instead of activating or deactivating a plurality of breakpoints by a single action.

In response to Applicants' arguments, the examiner respectfully directs Applicants' attention to pp. 102-35 U.S.C. § 35 U.S.C. § 103, section "Process Creation/Deletion Events" of Rosenberg where it is disclosed that some debuggers are designed to handle debugging multiple processes. It is noted that if breakpoint(s) is/are set for each process, then the debugger can handle the activation/deactivation of a plurality of breakpoints by a single action of running this multiple processes debugging as disclosed by Rosenberg.

It is therefore submitted that contrary to Applicant's arguments, Rosenberg does not teach away from but rather anticipated the claimed invention. The rejection of claims 1-11 under 35 U.S.C. § 102(e) as being anticipated by Rosenberg is considered proper and maintained.

Applicants further submitted that claims 12 and 23 are distinguishable from the cited art for reasons similar to those discussed in connection with claim 1. Since it is shown why Rosenberg does not teach away from the subject matter recited in claim 1, claims 12 and 23 are thus considered not distinguishable from Rosenberg and stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rosenberg.

Since Claim 25 is similar to claim 4, claim 26 to claim 5 and claim 27 to claim 8, they are rejected for the same reasons as discussed in the previous Office action.

### *Conclusion*

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang-Vu "Antony" Nguyen-Ba whose telephone number is (571) 272-3701. The examiner can normally be reached on Tuesday-Friday from 7:05 am to 5:35 pm.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Tuan Dam can be reached at (571) 272-3695.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access

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to the Private PAIR system, contact the Electronic Business Center (EBC) at  
(866) 217-9197 (toll-free).

A handwritten signature in cursive script, reading "Mr. Anthony Nguyen-Ba". The signature is written in black ink and is positioned above the printed name and title.

**ANTONY NGUYEN-BA  
PRIMARY EXAMINER**

October 15, 2006